

## HEIRS OF DON CARLOS DE VILLEMONT.

MARCH 30, 1860.—Ordered to be printed.

Mr. BLAIR, from the Committee on Private Land Claims, made the following

### REPORT.

*The Committee on Private Land Claims, having had under consideration the petition of the heirs of Don Carlos de Villemont for confirmation, &c., of title to certain lands in the State of Louisiana, report :*

The heirs of Don Carlos de Villemont claim the lands in question under a grant from the officers of the French government, dated 4th November, A. D. 1766, to De Villemont, their ancestor. De Villemont before and at the date of the said grant was the owner of a plantation situated on the Mississippi river, and fronting on the same, about eight leagues above the city of New Orleans, which he had acquired from Ducoder in 1765, and the grant of 1766, embraced the land beginning at the termination of the first forty arpens in depth, and extending back between the prolongation of the side lines of the said front plantation until their intersection, or to lake Pontchartrain, if the said line should not intersect before reaching the lake. A copy of the concession of 1766 is produced, and the loss of the original paper established by sufficient testimony. It appears that at some time afterwards De Villemont sold his front plantation, without including any part of the land on the rear ; and so far as anything can be gathered from the case, as presented by the petitioners, neither the grantee nor his descendants ever took possession of, or exercised any acts of ownership over, or even asserted any claim to the rear land, until the 16th June, 1846, when the present petitioners instituted proceedings in the district court of the United States for the eastern district of Louisiana for the confirmation of their title, under the act of Congress of the 26th May, 1824, entitled "An act enabling the claimants of lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," and the act of 17th June, 1844, entitled "An act to provide for the adjustment of land claims within the States of Mississippi, Arkansas, and Louisiana," &c. This was the first assertion of a claim in a period of somewhat more than a half century. The district court confirmed the title, but on appeal by the United States the Supreme Court reversed the decree.

The grant of 1766 was made by the French authorities after the treaty of 1762, by which Louisiana was ceded by that power to Spain, and no act of the Spanish authorities, in confirmation of the grant, has been shown by the petitioners. The Supreme Court held, (13 How., 9,) as they had repeatedly held in similar cases, that the grant by the French authorities, after the cession to Spain, was simply void, unless followed by possession or by Spanish confirmation. If confirmed by Spain before the cession to the United States, or if possession was taken, the title would be perfect and within the protection of the treaty, and wholly independent of any legislation by Congress. These considerations have influenced the committee adversely to the prayer of the petitioners. If they, at any time, are able to establish a confirmation by the Spanish government before the acquisition of the territory by the United States, or possession taken, so as to afford a presumption of such confirmation, they can assert their title in a court of law; if they cannot, then an act of confirmation by Congress would, perhaps, be more properly entitled an act of donation.